



WEB COPY



C.M.A.No.154 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.Nos.154 of 2025

and

C.M.P.No.1239 of 2025

The Managing Director,
Metropolitan Transport Corporation Chennai Ltd.,
Pallavan House, Anna Salai,
Chennai – 2.

... Appellant

Vs.

Shakila

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the order dated 26.10.2021 passed in M.C.O.P.No.4651 of 2016 by the Motor Accidents Claims Tribunal, Chennai (III Court of Small Causes).

For Appellant : Mr.A.Vinothraj

For Respondent : Mr.G.Daisy John

JUDGMENT

The above appeal is filed by the appellant/Transport Corporation against the Judgment and Decree dated 26.10.2021 passed in



C.M.A.No.154 of 2025

WEB COPY

M.C.O.P.No.4651 of 2016 by the Motor Accidents Claims Tribunal,
Chennai (III Court of Small Causes).

2. It is the case of the claimant that, on 19.08.2015 at about 7.40 p.m., when the deceased was travelling in the Metropolitan Transport Corporation Bus bearing Reg.No.TN 01 N 4213, he fell down from the bus, since the welding of the said bus near the steps was broken, due to which, the deceased sustained grievous injuries and died even after the treatment was given. Therefore, the claimant / respondent, who is the mother of the deceased had filed a claim petition claiming a sum of Rs.41,24,000/- for the death of the deceased.

3. Before the Tribunal, the claimant / respondent had examined herself as P.W.1 and marked Exhibits P.1 to Ex.P.14. On the side of the respondent, they examined R.W.1 and marked Ex.R1. After adjudication, the Tribunal awarded a sum of Rs.15,92,000/- as compensation to the claimant. Challenging the same, the appellant / Transport Corporation has preferred the present appeal.



C.M.A.No.154 of 2025

WEB COPY

4. The learned counsel appearing for the appellant / Transport Corporation submitted that, though after giving repeated warnings, the deceased was foot boarding the moving bus. Since the deceased is solely responsible for his death, the appellant Corporation is not liable to indemnify the claimant for the death of the deceased. However, the Tribunal without appreciating the oral and documentary evidence, has fixed the entire negligence as against the appellant / Transport Corporation which is *per se* unsustainable. Accordingly, he prayed for passing appropriate orders.

5. The learned counsel appearing for the respondent / claimant submits that as the rear side of the steps in the appellant Corporation Bus was broken, the said accident had happened, which is only due to the the improper maintenance of the appellant Corporation bus. Upon considering the oral and documentary evidence, the Tribunal has awarded a sum of Rs.15,92,000/- as compensation to the claimant which does not require any interference.

6. Heard the learned counsel appearing for the appellant and the



C.M.A.No.154 of 2025

WEB COPY

learned counsel for the respondent and perused the materials available on record.

7. The factum and manner of the accident is not disputed by the parties. Therefore, this Court is not entering into the said aspect. Admittedly the accident happened on 19.08.2015. In order to prove the said incident, the claimant has examined herself as P.W.1. who categorically deposed before the Tribunal that the accident had occurred solely due to the driver of the appellant Corporation Bus and due to improper maintenance of the appellant Corporation Bus. However, in order to disprove the same no independent eye witness has been examined on behalf of the appellant / Transport Corporation. However, since, giving under one head and reducing under the other head would result in the amount to be awarded to be the same and no useful purpose would be served in modifying the compensation under the heads, while the compensation amount would remain the same, which would be nothing but an exercise in futility, therefore, this Court is not embarking upon the said modification, but suffice to confirm the compensation awarded by the Tribunal.



C.M.A.No.154 of 2025

WEB COPY

8. For the reasons aforesaid, this Appeal stands dismissed, confirming the award passed by the tribunal in MCOP.No.4651 of 2016 dated 26.10.2021 and the appellant / Transport Corporation is directed to deposit the compensation of **Rs.15,92,000/-** awarded by the tribunal to the credit of M.C.O.P.No.4651 of 2016 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less the amount, if any, already deposited, within a period of six weeks (6) from the date of receipt of a copy of this judgment, if not already deposited. On such deposit being made, the Tribunal is directed to transfer the said amount to the respondent directly to his bank account through RTGS within a period of two (2) weeks thereafter. There shall be no order as to costs in this appeal. Consequently, connected miscellaneous petition is closed.

27.01.2025

Index : Yes / No
Speaking order / Non-speaking order
Netrual Citation Case : Yes / No
rap



WEB COPY



C.M.A.No.154 of 2025

M.DHANDAPANI, J.

rap

To

- 1.Motor Accidents Claims Tribunal, Chennai (III Court of Small Causes).
- 2.The Section Officer, V.R.Section, High Court, Madras.

C.M.A.No.154 of 2025

27.01.2025